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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/925,121 | 08/08/2001 | Millard E. Sweatt III | 22407-05497 | 5875 |

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EXAMINER

JOO, JOSHUA

ART UNIT PAPER NUMBER

2154

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|---------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/925,121 | SWEATT ET AL. | |
| | Examiner | Art Unit | |
| | Joshua Joo | 2154 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/1/01, 12/10/01, 11/16/02, 6/16/02</u> | 6) <input type="checkbox"/> Other: _____ |

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Detailed Action

1. Claims 1-11, 29 are presented for examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted 1/17/2002, 10/01/2001, 12/10/2001, and 6/10/2002 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

3. The disclosure is objected to because of the following informalities:

Please update paragraphs 0005 and 0006 of the specification to provide current patent applications and remove Attorney docket numbers. Even though Applicant has submitted updated specification on 10/15/2001, please resubmit amendments to the specification that is compliant with 37 CFR 1.121.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 4, 6, 8, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard et al, US Publication #2004/0006620 (Howard hereinafter), in view of Allen et al, US Patent #5,892,535 (Allen hereinafter).

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6. As per claims 1 and 29, Howard teaches substantially the invention as claimed including a method and computer program product of uploading data for operating at least one media device over a network, comprising:

receiving a request for data from at least one first server (Paragraph 0015; 0034; 0045-0046; 0098. Access and obtain information from providers.);

responsive to the request received, querying a data source to extract the data for operating the media device (Paragraph 0045-0046. Data for device, e.g. control date, updates.);

sending the data extracted to the first server, the first server being communicatively coupled to the network (Paragraph 0045-0046. Obtain information from providers.); and

periodically transmitting the data from the first server to the media device over the network (Paragraph 0036. Periodic sending of data. Paragraph 0044; 0101. Devices.).

7. Howard teaches substantial features of the claimed invention including sending data to the first server. However, Howard does not teach of periodically sending data to the first server.

8. Allen teaches the concept of periodically sending data from one server to another server (Col 42, lines 48-64).

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Howard with the teachings of Allen because the teachings of Allen to periodically send data from one server to another

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server would allow the service provider of Howard's system to repeatedly receive available updates or control data to transmit to the media device.

10. As per claim 3, Howard teaches the method according to claim 1, wherein the data comprises registration information associated with the media device (Paragraph 0058; 0087; 0098. Database contains registration and identification information.). However, Howard does not explicitly teach of transmitting registration information to the first server or to the media device.

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Howard and Allen to provide registration information to first server and media device because doing so would allow service providers or manufacture servers to communicate and transmit data such as updates that are specific to the media device.

12. As per claim 4, Howard teaches the method according to claim 1, wherein the data comprises pending transaction information associated with the media device (Paragraph 0055-0056; 0079. Transmit services.).

13. As per claim 6, Howard teaches the method according to claim 1, wherein the data source comprises databases and online services (Paragraph 0044-0046. Device manufacturers, information providers.).

14. As per claim 8, Howard teaches the method according to claim 1, wherein the network comprises the Internet (Paragraph 0043. Internet.).

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15. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howard and Allen, in view of Friedrich et al, US Patent #5,958,009 (Friedrich hereinafter).

16. As per claim 2, Howard and Allen taught the method wherein the request is received by a second server and periodically sending data to a first server. However, Howard and Allen do not teach the method, wherein the second server pushes the data extracted to the first server according to a batch mode.

17. Friedrich teaches the concept of pushing data according to a batch mode (Col 8, line 63 – Col 9, line 13).

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Howard and Allen with the teachings of Friedrich because the teachings of Friedrich to push data according to a batch mode would improve the system of Howard and Allen by minimizing the number of packets transmitted over the network and reducing overhead as taught by Friedrich.

19. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howard and Allen, in view of Humpleman et al, US Patent #6,466,971 (Humpleman hereinafter).

20. As per claim 5, Howard teaches of transmitting control data to the media device. However, Howard and Allen do not teach the method, wherein the data is transferred in XML format.

21. Humpleman teaches of remotely controlling devices, wherein data is transferred in XML format (Col 11, lines 16-29; Col 12, line 16-48).

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22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Howard, Allen, and Humpleman because the teachings of Humpleman to transmit data in XML format would improve the system of Howard and Allen by providing a standard for communicating with the media devices and service providers, and by providing a consistent method of interpreting data.

23. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howard and Allen, in view of Ogawa et al, US Patent #6,314,571 (Ogawa hereinafter).

24. As per claim 7, Howard does not teach the method according to claim 1, wherein the data comprises broadcast programming guides in an electronic format.

25. Ogawa teaches the concept of transmitting broadcast programming guides (Col 2, line 59-Col 3, line 22).

26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Howard, Allen, and Ogawa because the teachings of Ogawa to transmit broadcast programming guides would improve the system of Howard and Allen by providing additional operating information that would allow control of recording devices to record data according to channel and schedule.

27. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howard and Allen, in view of Susskind, US Publication #2001/0046366 (Susskind hereinafter)

28. As per claim 9, Howard does not teach the method according to claim 1, wherein the media device comprises a digital video recorder.

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29. Susskind teaches of controlling media devices comprising of digital video recorders (Paragraph 0010; 0029).

30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Howard, Allen, and Susskind because the teachings of Susskind Murphy to controlling media devices comprising digital video recorders would improve the capability of Howard and Allen's system by allowing the implementing and control of different types of devices according to Howard and Allen's system.

31. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howard and Allen, in view of Veltman et al, US Publication #2002/0152311 (Veltman hereinafter).

32. As per claim 10, Howard teaches of communicating with devices through web interface (Paragraph 0081-002). However, Howard does not explicitly teach the method according to claim 1, wherein the first server comprises a Domain Naming Service (DNS) server.

33. Veltman teaches of remotely controlling devices, wherein a controller comprises a DNS server (Paragraph 0042; 0072).

34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Howard and Allen with the teachings of Veltman because the teachings of Veltman to implement a DNS server would enable the assignment of domain names to remote devices thus providing a means for communicating with the remote devices.

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35. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howard and Allen, in view of Murphy, US Patent #6,564,380 (Murphy hereinafter)

36. As per claim 11, Howard teaches of providing a plurality of first servers associated with a plurality of media devices (Paragraph 0041. Plurality of service providers.) However, Howard does not explicitly teach the method of comprising a plurality of first servers for balancing load associated with a plurality of media devices.

37. Murphy teaches the concept of providing of a plurality of servers (PoP servers) for balancing load associated with a plurality of media devices (Col 6, lines 25-30; Col 7, lines 17-29; Col 14, lines 6-26).

38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Howard, Allen, and Murphy because the teachings of Murphy to provide a plurality of servers for balancing load associated with a plurality of media devices would improve the quality of service of the system of Howard and Allen by increasing the bandwidth for transmitting data, thereby reducing transmission time and transmission path.

Conclusion

39. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966.


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The examiner can normally be reached on Monday to Thursday 8AM to 5PM and every other Friday.

41. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 571 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

42. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 27, 2006
JJ

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
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